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March 13, 2024

VIA ECF

MEMO ENDORSED

The Honorable Barbara C. Moses
 United States District Court
 Southern District of New York
 500 Pearl Street, Courtroom 20A
 New York, New York 10007

Re: Hall v. City of New York, No. 1:22-cv-10193-GHW-BCM

Dear Judge Moses:

We represent Plaintiff in the above-referenced action and write jointly with Defendant City of New York (“Defendant” or “the City”), pursuant to Your Honor’s Individual Practices Rule 1(b), to respectfully request discovery be stayed in the above-referenced action.

By way of background, on February 8, 2024, Defendant agreed to request documents, including, but not limited to, pay statements, overtime reports, and timesheets for all opt-in plaintiffs so that Plaintiff can begin calculating damages for herself and all individuals who have joined the case. *See* ECF No. 72. On February 15, 2024, the Court ordered the City to produce these three categories of documents by March 6, 2024. *See* ECF No. 74.

On March 11, 2024 and March 12, 2024, Defendant produced seven spreadsheets total containing payroll data and data reflecting opt-in plaintiffs’ hours worked from January 1, 2020 to the present. While Plaintiff had requested Defendant produce the three categories of documents in the same format as the copies attached to her Complaint (*see* ECF Nos. 1-2 (timesheets), 1-3 (pay statements), and 1-7 (overtime reports)), following a cursory review of the voluminous spreadsheets, Plaintiff believes the same data reflected in the three categories of documents is also captured in the spreadsheets. Additionally, the Financial Information Services Agency (“FISA”), Office of Payroll Administration (the agency responsible for maintaining City employees’ payroll data) had failed to produce data for the Named Plaintiff and one opt-in plaintiff but did produce data for the other 33 opt-in plaintiffs.

That said, after meeting and conferring with Defendant on March 13, 2024, Defendant agreed to contact FISA regarding the missing data for the Named Plaintiff and the one opt-in plaintiff and notify Plaintiff of a reasonable date by when it would be produced. Further, the parties agreed to work amicably should Plaintiff discover any data necessary to calculate damages is missing. In the meantime, Plaintiff will continue reviewing the spreadsheets and begin calculating damages for the 33 individuals for whom Defendant produced data.



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The parties are aware that the deadlines to conduct depositions and complete all discovery are April 6, 2024 and May 18, 2024, respectively. *See* ECF No. 55 at 2. However, given the parties wish to conduct mediation or have a settlement conference before Your Honor after Plaintiff calculates damages for 35 individuals in total—which will require significant time—the parties respectfully request the Court stay discovery pending the outcome of mediation and/or a settlement conference.

We thank the Court for its time and attention to this matter.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Camilo M. Burr".

Camilo M. Burr

Cc: Counsel of Record (*via* ECF)

Application DENIED without prejudice to renewal in accordance with this Order. The Court is not willing to grant an open-ended stay of discovery "pending the outcome of a mediation and/or a settlement conference" that has not yet been scheduled.

However, the Court will consider reasonable extensions of the current discovery deadlines. Accordingly, no later than **March 28, 2024**, the parties shall submit a joint letter in which they (i) provide an estimated date by when plaintiffs expect to have completed the necessary damages calculations and the parties expect to be ready to participate in a mediation or settlement conference, and (ii) state whether the parties wish to mediate through the Court-annexed mediation program, a judicially-supervised settlement conference, or another format. In accordance with the foregoing, the parties shall also propose dates for the completion of (iii) all remaining fact depositions, and (iv) all remaining fact discovery. SO ORDERED.

A handwritten signature in blue ink, appearing to read "Barbara Moses".

Barbara Moses
United States Magistrate Judge
March 14, 2024